IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3885 of 2007()

CRIME OF KUNNAMKULAM POLICE STATION

PETITIONERS/ACCUSED

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1. SANTHOSH BABU M.H, AGED 32 YEARS,
   S/O HANEEFA, KADAVAGADU HOUSE, PERUMANNU,
   KECHERI POST, THRISSUR DISTRICT.

2. SULOCHANA @ SAINABA, AGED 49 YEARS,
   W/O HANEEFA, KADAVAGADU HOUSE,
   PERUMANNU, KECHERI POST, THRISSUR DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3885 of 2007

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Dated this the 27th day of June, 2007

O R D E R

Application for anticipatory bail. The petitioners are husband and mother-in-law of the defacto complainant. They have come to this Court apprehending arrest by the police, though no crime had by then been registered. The learned Prosecutor, on instructions, submits that Crime No. 694 of 2007 has been registered under Section 498A I.P.C. on 22.6.2007 (This petition was filed on 20.6.07) against the first petitioner. The second petitioner is not required to be arrested and no crime is registered against her, submits the Prosecutor.

2. The allegations against the first accused is that he is guilty of matrimonial cruelty against his wife, the defacto complainant. The marriage took place as early on 21.3.1999. There are two children in the wedlock. No specific allegation of any serious injury is even raised against the first accused.

3. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am

satisfied in the facts and circumstances of this case directions under Section 438 Cr.P.C. can be issued in favour of the first petitioner, subject to appropriate conditions. In coming to this conclusion I take note of the reality that if the 1st petitioner were arrested and detained that would mar all possibilities of a harmonious settlement of the disputes between the parties.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The first petitioner shall surrender before the learned Magistrate on 4.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 5.7.07 and 6.7.07 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of three months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 4.7.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 4.7.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 4.7.2007.

(R. BASANT)
Judge

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